



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/11/01
AGENDA ITEM 10
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of Ordinances Related to Establishing a New Special Design Overlay Zoning District and Rezoning Certain Territory in the Cannery Area

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinances.

BACKGROUND:

The ordinances were introduced at the July 24 meeting of the City Council with the following vote:

AYES:	Council Members:	Rodriguez, Dowling, Ward, Henson
	Mayor:	Cooper
NOES:	Council Members:	Jimenez, Hilson
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinances were published in the Hayward Daily Review on August 11, 2001. Adoption at this time is therefore appropriate.

Prepared by:



Angelina Reyes, City Clerk

Approved by:



Jesús Armas, City Manager

Draft Ordinances

AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE, TO ESTABLISH A NEW SPECIAL DESIGN OVERLAY ZONING DISTRICT FOR THE CANNERY AREA

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS. The City Council incorporates by reference the findings and approvals contained in companion Resolution No. 01-125. The City Council also hereby finds and determines that:

- a. This ordinance adopts text changes to the Zoning Ordinance, codified as Chapter 10, Article 1 of the Hayward Municipal Code ("HMC"), to establish a special design overlay district ("SD-4") for the Cannery Area:
- b. The potential environmental impacts of this new district are assessed in the Program EIR certified by the City Council's adoption of Resolution No. 01-125.
- c. Substantial proof exists that the proposed text change will promote the public health, safety, convenience, and general welfare of the residents of Hayward for the reasons set forth in Resolution No. 98-028.
- d. The proposed text change is consistent with the General Plan conform with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans.
- e. The adoption of this text change to the Zoning Ordinance does not constitute a reclassification of property; and
- f. Existing streets and public facilities will not be impaired by the adoption of this ordinance, based on the data contained in the Cannery Area Design Plan Program EIR, and the provisions of the Cannery Area Design Plan.

Section 2. Text Changes. Chapter 10, Article 1 of the Hayward Municipal Code, is hereby amended to read as follows:

"SECTION 10-1.2625 CANNERY AREA SPECIAL DESIGN DISTRICT (SD-4)

Consistent with the General Plan, the purpose of the Cannery Area Special Design District (SD-4) is to implement policies embodied in the Cannery Area Design Plan. The Cannery Study Area contains older industrial uses that are surrounded by residential areas. The Design Plan envisions conversion of the industrial uses to commercial uses, residential uses, or mixed uses, as appropriate. The following design requirements shall apply to the Cannery Area Special Design District (SD-4):

a. Design Theme.

The overall layout and design of development proposed within this district shall be consistent with the provisions of the Cannery Area Design Plan.

b. Administrative Use Permits.

Pursuant to requirements of the Industrial (I) District, any industrial use(s), or uses determined to be similar by the Planning Director, located on a parcel(s) which abuts an R, A, MH, OS or residential PD zoning district, shall require the approval of an Administrative Use Permit.

c. Block Pattern and Street Layout.

The overall block pattern and street layout in proposed developments shall conform to the Design Concept as contained in the Cannery Area Design Plan. The design of streets and the width of the public right-of-way shall be consistent with the Park and Street Network and Street Sections and Plans as contained in the Cannery Area Design Plan.

d. Development Densities.

Densities of new development shall be consistent with the applicable General Plan designations and shall further conform to the densities specified in the Land Use plan as contained in the Cannery Area Design Plan.

e. Live-Work Spaces.

Live-work developments shall be located within the designated blocks as indicated in the Cannery Area Design Plan. The design of live-work developments shall be consistent with the guidelines for Typical Blocks as contained in the Cannery Area Design Plan and with any ordinances or other guidelines that may be subsequently adopted by the City.

f. Building Setbacks.

The required setback for new development shall be 10' as indicated by the Build-to-Line shown on the Design Concept and Land Use maps in the Cannery Area Design Plan. Architectural features such as cornices, eaves, open porches, bay windows, and canopies may extend into the required front yard.

g. Parks and Open Space.

Parks and other open space proposed within new developments shall be consistent with the Park and Street Network as contained in the Cannery Area Design Plan.”

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a regular meeting of the Hayward City Council held July 24, 2001, the above-entitled ordinance was introduced by Council Member Ward.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on September 11, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. Copies of the full text of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street, Hayward Public Main Library, 835 "C" Street, or the Weekes Branch Library, 27300 Patrick Avenue.

DATED: August 11, 2001

ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING ZONING MAPS A6 AND B6 OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN TERRITORY LOCATED IN THE CANNERY AREA

NOW, THEREFORE, the City Council of the City of Hayward does ordain as follows:

Section 1. FINDINGS. Zone Change Application No. 01-190-04 concerns the reclassification of certain parcels located within the City of Hayward, in the area commonly known as the Cannery Area, in connection with the approval of the General Plan amendment known as GPA No.01-110-03; and the adoption of the Cannery Area Design Plan pursuant to the approval of Resolution No. 01-125. A special design overlay district known as SD-4 has been established pursuant to the approval of Text Change Application No. 01-140-01 by the adoption of Ordinance No. _____. The City Council incorporates by reference the findings and approvals contained in companion Resolution No. 01-125. In addition, the City Council also finds and determines as follows:

- A. The City Council's findings regarding the environmental impacts of the proposed rezoning and pre-zoning which are conditionally approved by this ordinance are set forth in Resolution No. 01-125.
- B. Substantial proof exists that the proposed zone changes will promote the public health, safety, convenience, and general welfare of the residents of Hayward by rezoning properties to enable implementation of the Cannery Area Design Plan approved by Resolution No. 01-125.
- C. The proposed zone changes are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan, as amended, and the Cannery Area Design Plan, as approved by Resolution No. 01-125.
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted, based on the infrastructure requirements contained in the Cannery Area Design Plan;
- E. All uses permitted will be compatible with present and potential future uses.

Section 2. SCOPE. This ordinance pertains to the rezoning of the properties located in the Cannery Area Design Plan.

Section 3. ZONE CHANGES. Zoning District Map A6, contained in Section 10-1.126, and Zoning District map B6, contained in Section 10-1.136 of Chapter 10, Article 1 of the Hayward Municipal Code are hereby amended to re-zone the properties as set forth in Exhibit "A" incorporated herein by reference.

Section 4. EFFECTIVE DATE. This ordinance shall become effective on the effective date of the General Plan Map designation changes for the Cannery Area Design Plan adopted by Resolution No. 01-125.

Section 5. SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Introduced at a regular meeting of the Hayward City Council held July 24, 2001, the above-entitled ordinance was introduced by Council Member Ward.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on September 11, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. Copies of the full text of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street, Hayward Public Main Library, 835 "C" Street, or the Weekes Branch Library, 27300 Patrick Avenue.

DATED: August 11, 2001

ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD